REMARKS

Status of this application

Claims 1-39 are pending. In the outstanding Office Action, the Abstract was objected to as being longer than 150 words, and the specification was objected to as failing to provide an antecedent basis for terms used in the claims. The drawings were objected to under 37 C.F.R. §1.83(a) as not showing every feature specified in the method claims. Claims 1, 5 and 13 were objected to as containing informalities. Claims 1, 13, 24, 25 and 37-39 were rejected under 35 U.S.C. §112 as containing limitations having inadequate antecedents. Claims 1-39 were rejected as being anticipated by U.S. Patent 6.795,429 issued to Schuster et al. (hereinafter "Schuster").

This response amends claims 1, 3. 4. 5. 7. 10, 11, 13, 14, 17, 20, 21, 24, 25, and 35 to correct the informalities noted by the Examiner as well and to make other changes in order to more distinctly claim the invention. Claim 30 has been amended to incorporate the limitations of its dependent claim 31 which has been canceled, The specification has been amended to shorten the Abstract and to refer to newly added Fig. 4 which was added as required by the Examiner to show the steps recited in the method claims.

In the remarks that follows, the objections and rejections advanced in the outstanding Action are discussed in the same order presented in the Action.

The Object to the Specification

The specification was amended to shorten the Abstract. The specification was further objected to as providing an inadequate antecedent basis for the terms "IrDA Object Exchange Protocol" and "IrDA Link Access Protocol." Reconsideration is requested with respect to use of the term Object Exchange Protocol. The specification at page 4, line 17 refers to the "OBEX object exchange protocol" and that protocol is a well known part of the IrDA protocol. See, for example, col. 16, line 4 of the cited Schuster reference which also discusses the IrDA specification. The Link Access Protocol which was referred to in claim 33 is also a standard part of the IrDA specification (e.g., see col. 15, line 64 of Schuster); however, to cure the antecedent problem identified by the Examiner, claim 33 has been amended to simply recite the IrDA protocol.

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The Objection to the Drawings

        The Examiner objected to the drawings as failing to show every feature recited in the claims. Applicant has accordingly submitted a new Fig. 4 which shows the features recited in the method claims as requested. Reconsideration of the remainder of the Examiner's objection is requested.

        The Examiner stated in part 3 of the Action that the drawings should show the following features recited in the method claims as well as email services, file synchronization, means operable by said user when said portable computing device is near said host computer for causing said host computer to download a communications program, and means for initiating the execution of said applications program. The newly added flow chart of Fig. 4 shows each of these functions. It is noted that the "third transceiver" recited in claim 28 is the UHF transceiver 330 seen in Fig. 3 (the first transceiver for establishing short range communications is the IrDA transceiver 320 and the second for establishing long range communications is the communications card 340).

        It is believed that the addition of Fig. 4 obviates the Examiner's objection to the drawings. In adding this additional figure, care has been taken not to add any new matter not already disclosed in words in the application as filed.

The Rejection under 35 U.S.C. §112

        The amendments to the claims are believed to eliminate the informalities noted in part 4 of the Action as well as the informalities and errors noted in the §112 rejections stated in part 5 of the Action with the following qualifications:

        The Examiner stated that the limitation "said data services" in claims 37-39 lacks an antecedent. It is noted however that these claims are all dependent on claim 30 which provides the needed antecedent on line 2. Similarly, the Examiner stated that the limitation "said mobile user" in line 15 lacks an antecedent; however, that term is found on the third line of claim 13.

        It is accordingly requested that the rejections under §112 be withdrawn in view of the foregoingamendmentsandremarks.

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The Rejections under 35 U.S.C. §102(e)

The Examiner rejected all claims as being anticipated by Schuster. Reconsideration is requested.

Applicants' invention employs a short range data link (an infrared IrDA link or a Bluetooth high frequency radio link) between a host computer and a nearby portable programmable data processing device. In order to transfer programs and data from the host computer to the nearby programmable device, the host computer is provided with an actuator which can be operated by a user carrying the portable device to cause the host to execute an installation program that transfers a communications program to the nearby portable programmable device. The portable device then executes the transferred communications program to download desired application programs and data which provide data services such as file transfer, file synchronization or email services.

The system described in Schuster uses short range bidirectional communication to establish a communications link between a voice communication device (that includes a processor) and a nearby portable data processing device (which Schuster calls a "PID" or "Personal Information Device"). The voice communication devices described by Schuster are in turn connected via a communications network to other voice communications devices which also connect via short range links to other PID units. The Schuster system allows users to make notes using a PID about telephone calls being handled by the associated voice communication unit, and also allows one PID to transmit data to a similar remotely located PID unit via the network.

The PID units and the voice communication units described by Schuster are already programmed to perform these functions, and Schuster neither discloses or suggests any mechanism, or any need for a mechanism, for a host device that can be actuated by a user to transfer a communication program to a programmable device which then executes that transferred communication program to access the programs and data needed to obtain data services as claimed.

Applicants' invention accordingly permits portable programmable devices to be programmed to communicate with the host to perform special functions needed to integrate with the data services available from the host. Schuster neither discloses nor suggests such an arrangement. The passage at col. 14, line 58 to col. 15, line 40 describe the transfer of graphical data from one PID to another via the network, but does not suggest that either device is

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programmable, does not suggest that a communications program is downloaded into and executed by the PID, and does not suggest that application programs are downloaded to and executed by the PID.

With respect to claim 2, the Examiner cites col. 11 at lines 12-18 which indicates that the data network telephones include a user interface 260 with user operated controls, but Schuster nowhere suggests that these controls accept an installation command that causes a communication program to be transferred to the nearby PID.

With respect to claim 3, the Examiner cites no passage in Schuster which suggests that application program executable by a PID are transferred to a PID via the short range link.

With respect to claim 4, the Examiner has identified no teaching in Schuster that states that a downloaded application program is automatically executed after it is transferred.

With respect to independent claims 13, 23 and 30 (as amended), and their dependent claims 14-22, 24-29, and 32-39 respectively, the Examiner repeats the citations noted with respect to claim 1. As noted above for claim 1, however, these cited passages fail to disclose or suggest the claimed features of applicants' invention.

With respect to claim 30 and its dependent claims 32-39, it is further submitted that Schuster nowhere suggests that the host computer (that provides the access point which provides a short range communication link to the portable device from which a communications program is downloaded to and executed by the portable device) takes the form of a publicly viewable display for attracting the attention of and providing data services to users of portable programmable devices as claimed.

Reconsideration of the rejection of claims 1-39 as being anticipated by Schuster is respectfully requested.

Conclusion

The foregoing amendments are believed to place this application in condition for allowance for the reasons set forth above.

Respectfully submitted,

Dated: February 7, 2005   Charles G. Call, Reg. 20,406

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Certificate of Transmission under 37 CFR 1.8

I hereby certify that this *Amendment* is being transmitted by facsimile to the central facsimile number of the U.S. Patent and Trademark Office, (703) 872-9306, on February 7, 2005.

Dated: February 7, 2005

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